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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,990	04/17/2006	Naru Usukura	0033-1077PUS1	5537

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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BLEVINS, JERRY M

ART UNIT	PAPER NUMBER
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2883

NOTIFICATION DATE	DELIVERY MODE
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06/10/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,990	<b>Applicant(s)</b> USUKURA ET AL.	
	<b>Examiner</b> JERRY BLEVINS	<b>Art Unit</b> 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 and 35 is/are pending in the application.
- 4a) Of the above claim(s) 9-33 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5 and 8 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/17/06; 11/5/07; 5/18/09</u> .                               | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Group I in the reply filed on April 10, 2009 is acknowledged.

Claims 9-33 and 35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 10, 2009.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2006/0146408 to Ushiro et al.

Regarding claim 1, Ushiro teaches a circularly polarizing plate comprising: a  $\lambda/4$  phase difference plate and linearly polarizing plate having an absorption axis forming an angle of about  $45^\circ$  with respect to a lagging axis of said  $\lambda/4$  phase difference plate and overlaid on a main surface of said  $\lambda/4$  phase difference plate wherein said  $\lambda/4$  phase difference plate has reverse

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wavelength dispersion characteristics (paragraph 63), and has an Nz coefficient of 1.6 or more (paragraphs 50, 51, and 68).

Regarding claim 2, Ushiro teaches that the  $\lambda/4$  phase difference plate has the Nz coefficient of not less than 2.5 and not more than 3.0 (paragraphs 50, 51, and 68).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ushiro in view of US 2004/0004688 to Kawata et al.

Regarding claim 5, Ushiro teaches the limitations of the base claim 1. Ushiro does not teach that the circularly polarizing plate takes a rolled form. Kawata teaches a circularly polarizing plate that takes a rolled form (paragraph 423). It would have been obvious to one of ordinary skill in the art to modify the circularly polarizing plate of Ushiro such that it takes a rolled form, as taught by Kawata. The motivation would have been to reduce production time and costs.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ushiro in view of US 6,295,109 to Kubo et al.

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Regarding claim 8, Ushiro teaches the limitations of the base claim 1. Ushiro does not teach that the circularly polarizing plate is part of a vertical alignment type of liquid crystal display panel. Kubo teaches a circularly polarizing plate as part of a vertical alignment type of liquid crystal display panel (column 9, line 49 – column 10, line 13). It would have been obvious to one of ordinary skill in the art to include the circularly polarizing plate of Ushiro in a vertical alignment type of liquid crystal display panel, as taught by Kubo. The motivation would have been to increase the utility of the circularly polarizing plate.

***Allowable Subject Matter***

Claims 3, 4, 6, and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 3 and 6, Ushiro, taken alone or in combination with the prior art, fails to disclose or render obvious that the circularly polarizing plate has a substantially rectangular plane form, said lagging axis forms an angle of about  $+80^{\circ}$  with respect to a reference direction parallel to one side of said substantially rectangular form, and said absorption axis forms an angle of about  $+35^{\circ}$  with respect to said reference direction.

Regarding claims 4 and 7, Ushiro, taken alone or in combination with the prior art, fails to disclose or render obvious that the circularly polarizing plate has a substantially rectangular plane form, said lagging axis forms an angle of about  $-20^{\circ}$  with respect to said reference direction

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parallel to one side of said substantially rectangular form, and said absorption axis forms an angle of about  $+25^{\circ}$  with respect to said reference direction.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JERRY BLEVINS whose telephone number is (571)272-8581. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jerry M Blevins/  
Patent Examiner, Art Unit 2883

/Frank G Font/  
Supervisory Patent Examiner, Art Unit 2883

FGF/jmb  
05/28/2009